



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1290

Introduced 2/5/2013, by Sen. Andy Manar

SYNOPSIS AS INTRODUCED:

5 ILCS 315/3
5 ILCS 315/6.1

from Ch. 48, par. 1603

Provides that if and only if Senate Bill 1556, as passed by the 97th General Assembly, becomes law, the Illinois Public Labor Relations Act is amended (i) to prohibit the Governor from designating public employees who are classified as or who hold the title of Civil Engineer V, Civil Engineer VI, Civil Engineer VII, Technical Manager I, Technical Manager II, Technical Manager III, Technical Manager IV, Technical Manager V, Technical Manager VI, Realty Specialist III, Realty Specialist IV, Realty Specialist V, Technical Advisor I, Technical Advisor II, Technical Advisor III, Technical Advisor IV, or Technical Advisor V for exclusion from collective bargaining and (ii) to specify that public employees who are classified as or who hold the employment title of Civil Engineer V, Civil Engineer VI, Civil Engineer VII, Technical Manager I, Technical Manager II, Technical Manager III, Technical Manager IV, Technical Manager V, Technical Manager VI, Realty Specialist III, Realty Specialist IV, Realty Specialist V, Technical Advisor I, Technical Advisor II, Technical Advisor III, Technical Advisor IV, or Technical Advisor V qualify as public employees for purposes of the Act. Effective upon becoming law or on the effective date of Senate Bill 1556 of the 97th General Assembly, whichever is later.

LRB098 07644 JDS 37716 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. If and only if Senate Bill 1556, as passed by
5 the 97th General Assembly, becomes law, the Illinois Public
6 Labor Relations Act is amended by changing Sections 3 and 6.1
7 as follows:

8 (5 ILCS 315/3) (from Ch. 48, par. 1603)

9 Sec. 3. Definitions. As used in this Act, unless the
10 context otherwise requires:

11 (a) "Board" means the Illinois Labor Relations Board or,
12 with respect to a matter over which the jurisdiction of the
13 Board is assigned to the State Panel or the Local Panel under
14 Section 5, the panel having jurisdiction over the matter.

15 (b) "Collective bargaining" means bargaining over terms
16 and conditions of employment, including hours, wages, and other
17 conditions of employment, as detailed in Section 7 and which
18 are not excluded by Section 4.

19 (c) "Confidential employee" means an employee who, in the
20 regular course of his or her duties, assists and acts in a
21 confidential capacity to persons who formulate, determine, and
22 effectuate management policies with regard to labor relations
23 or who, in the regular course of his or her duties, has

1 authorized access to information relating to the effectuation
2 or review of the employer's collective bargaining policies.

3 (d) "Craft employees" means skilled journeymen, crafts
4 persons, and their apprentices and helpers.

5 (e) "Essential services employees" means those public
6 employees performing functions so essential that the
7 interruption or termination of the function will constitute a
8 clear and present danger to the health and safety of the
9 persons in the affected community.

10 (f) "Exclusive representative", except with respect to
11 non-State fire fighters and paramedics employed by fire
12 departments and fire protection districts, non-State peace
13 officers, and peace officers in the Department of State Police,
14 means the labor organization that has been (i) designated by
15 the Board as the representative of a majority of public
16 employees in an appropriate bargaining unit in accordance with
17 the procedures contained in this Act, (ii) historically
18 recognized by the State of Illinois or any political
19 subdivision of the State before July 1, 1984 (the effective
20 date of this Act) as the exclusive representative of the
21 employees in an appropriate bargaining unit, (iii) after July
22 1, 1984 (the effective date of this Act) recognized by an
23 employer upon evidence, acceptable to the Board, that the labor
24 organization has been designated as the exclusive
25 representative by a majority of the employees in an appropriate
26 bargaining unit; (iv) recognized as the exclusive

1 representative of personal care attendants or personal
2 assistants under Executive Order 2003-8 prior to the effective
3 date of this amendatory Act of the 93rd General Assembly, and
4 the organization shall be considered to be the exclusive
5 representative of the personal care attendants or personal
6 assistants as defined in this Section; or (v) recognized as the
7 exclusive representative of child and day care home providers,
8 including licensed and license exempt providers, pursuant to an
9 election held under Executive Order 2005-1 prior to the
10 effective date of this amendatory Act of the 94th General
11 Assembly, and the organization shall be considered to be the
12 exclusive representative of the child and day care home
13 providers as defined in this Section.

14 With respect to non-State fire fighters and paramedics
15 employed by fire departments and fire protection districts,
16 non-State peace officers, and peace officers in the Department
17 of State Police, "exclusive representative" means the labor
18 organization that has been (i) designated by the Board as the
19 representative of a majority of peace officers or fire fighters
20 in an appropriate bargaining unit in accordance with the
21 procedures contained in this Act, (ii) historically recognized
22 by the State of Illinois or any political subdivision of the
23 State before January 1, 1986 (the effective date of this
24 amendatory Act of 1985) as the exclusive representative by a
25 majority of the peace officers or fire fighters in an
26 appropriate bargaining unit, or (iii) after January 1, 1986

1 (the effective date of this amendatory Act of 1985) recognized
2 by an employer upon evidence, acceptable to the Board, that the
3 labor organization has been designated as the exclusive
4 representative by a majority of the peace officers or fire
5 fighters in an appropriate bargaining unit.

6 Where a historical pattern of representation exists for the
7 workers of a water system that was owned by a public utility,
8 as defined in Section 3-105 of the Public Utilities Act, prior
9 to becoming certified employees of a municipality or
10 municipalities once the municipality or municipalities have
11 acquired the water system as authorized in Section 11-124-5 of
12 the Illinois Municipal Code, the Board shall find the labor
13 organization that has historically represented the workers to
14 be the exclusive representative under this Act, and shall find
15 the unit represented by the exclusive representative to be the
16 appropriate unit.

17 (g) "Fair share agreement" means an agreement between the
18 employer and an employee organization under which all or any of
19 the employees in a collective bargaining unit are required to
20 pay their proportionate share of the costs of the collective
21 bargaining process, contract administration, and pursuing
22 matters affecting wages, hours, and other conditions of
23 employment, but not to exceed the amount of dues uniformly
24 required of members. The amount certified by the exclusive
25 representative shall not include any fees for contributions
26 related to the election or support of any candidate for

1 political office. Nothing in this subsection (g) shall preclude
2 an employee from making voluntary political contributions in
3 conjunction with his or her fair share payment.

4 (g-1) "Fire fighter" means, for the purposes of this Act
5 only, any person who has been or is hereafter appointed to a
6 fire department or fire protection district or employed by a
7 state university and sworn or commissioned to perform fire
8 fighter duties or paramedic duties, except that the following
9 persons are not included: part-time fire fighters, auxiliary,
10 reserve or voluntary fire fighters, including paid on-call fire
11 fighters, clerks and dispatchers or other civilian employees of
12 a fire department or fire protection district who are not
13 routinely expected to perform fire fighter duties, or elected
14 officials.

15 (g-2) "General Assembly of the State of Illinois" means the
16 legislative branch of the government of the State of Illinois,
17 as provided for under Article IV of the Constitution of the
18 State of Illinois, and includes but is not limited to the House
19 of Representatives, the Senate, the Speaker of the House of
20 Representatives, the Minority Leader of the House of
21 Representatives, the President of the Senate, the Minority
22 Leader of the Senate, the Joint Committee on Legislative
23 Support Services and any legislative support services agency
24 listed in the Legislative Commission Reorganization Act of
25 1984.

26 (h) "Governing body" means, in the case of the State, the

1 State Panel of the Illinois Labor Relations Board, the Director
2 of the Department of Central Management Services, and the
3 Director of the Department of Labor; the county board in the
4 case of a county; the corporate authorities in the case of a
5 municipality; and the appropriate body authorized to provide
6 for expenditures of its funds in the case of any other unit of
7 government.

8 (i) "Labor organization" means any organization in which
9 public employees participate and that exists for the purpose,
10 in whole or in part, of dealing with a public employer
11 concerning wages, hours, and other terms and conditions of
12 employment, including the settlement of grievances.

13 (j) "Managerial employee" means an individual who is
14 engaged predominantly in executive and management functions
15 and is charged with the responsibility of directing the
16 effectuation of management policies and practices.

17 (k) "Peace officer" means, for the purposes of this Act
18 only, any persons who have been or are hereafter appointed to a
19 police force, department, or agency and sworn or commissioned
20 to perform police duties, except that the following persons are
21 not included: part-time police officers, special police
22 officers, auxiliary police as defined by Section 3.1-30-20 of
23 the Illinois Municipal Code, night watchmen, "merchant
24 police", court security officers as defined by Section 3-6012.1
25 of the Counties Code, temporary employees, traffic guards or
26 wardens, civilian parking meter and parking facilities

1 personnel or other individuals specially appointed to aid or
2 direct traffic at or near schools or public functions or to aid
3 in civil defense or disaster, parking enforcement employees who
4 are not commissioned as peace officers and who are not armed
5 and who are not routinely expected to effect arrests, parking
6 lot attendants, clerks and dispatchers or other civilian
7 employees of a police department who are not routinely expected
8 to effect arrests, or elected officials.

9 (l) "Person" includes one or more individuals, labor
10 organizations, public employees, associations, corporations,
11 legal representatives, trustees, trustees in bankruptcy,
12 receivers, or the State of Illinois or any political
13 subdivision of the State or governing body, but does not
14 include the General Assembly of the State of Illinois or any
15 individual employed by the General Assembly of the State of
16 Illinois.

17 (m) "Professional employee" means any employee engaged in
18 work predominantly intellectual and varied in character rather
19 than routine mental, manual, mechanical or physical work;
20 involving the consistent exercise of discretion and adjustment
21 in its performance; of such a character that the output
22 produced or the result accomplished cannot be standardized in
23 relation to a given period of time; and requiring advanced
24 knowledge in a field of science or learning customarily
25 acquired by a prolonged course of specialized intellectual
26 instruction and study in an institution of higher learning or a

1 hospital, as distinguished from a general academic education or
2 from apprenticeship or from training in the performance of
3 routine mental, manual, or physical processes; or any employee
4 who has completed the courses of specialized intellectual
5 instruction and study prescribed in this subsection (m) and is
6 performing related work under the supervision of a professional
7 person to qualify to become a professional employee as defined
8 in this subsection (m).

9 (n) "Public employee" or "employee", for the purposes of
10 this Act, means any individual employed by a public employer,
11 including (i) interns and residents at public hospitals, (ii)
12 as of the effective date of this amendatory Act of the 93rd
13 General Assembly, but not before, personal care attendants and
14 personal assistants working under the Home Services Program
15 under Section 3 of the Disabled Persons Rehabilitation Act,
16 subject to the limitations set forth in this Act and in the
17 Disabled Persons Rehabilitation Act, ~~and~~ (iii) as of the
18 effective date of this amendatory Act of the 94th General
19 Assembly, but not before, child and day care home providers
20 participating in the child care assistance program under
21 Section 9A-11 of the Illinois Public Aid Code, subject to the
22 limitations set forth in this Act and in Section 9A-11 of the
23 Illinois Public Aid Code, , and (iv) beginning on the effective
24 date of this amendatory Act of the 98th General Assembly and
25 notwithstanding any other provision of this Act, any person
26 employed by a public employer and who is classified as or who

1 holds the employment title of Civil Engineer V, Civil Engineer
2 VI, Civil Engineer VII, Technical Manager I, Technical Manager
3 II, Technical Manager III, Technical Manager IV, Technical
4 Manager V, Technical Manager VI, Realty Specialist III, Realty
5 Specialist IV, Realty Specialist V, Technical Advisor I,
6 Technical Advisor II, Technical Advisor III, Technical Advisor
7 IV, or Technical Advisor V, but excluding all of the following:
8 employees of the General Assembly of the State of Illinois;
9 elected officials; executive heads of a department; members of
10 boards or commissions; the Executive Inspectors General; any
11 special Executive Inspectors General; employees of each Office
12 of an Executive Inspector General; commissioners and employees
13 of the Executive Ethics Commission; the Auditor General's
14 Inspector General; employees of the Office of the Auditor
15 General's Inspector General; the Legislative Inspector
16 General; any special Legislative Inspectors General; employees
17 of the Office of the Legislative Inspector General;
18 commissioners and employees of the Legislative Ethics
19 Commission; employees of any agency, board or commission
20 created by this Act; employees appointed to State positions of
21 a temporary or emergency nature; all employees of school
22 districts and higher education institutions except
23 firefighters and peace officers employed by a state university
24 and except peace officers employed by a school district in its
25 own police department in existence on the effective date of
26 this amendatory Act of the 96th General Assembly; managerial

1 employees; short-term employees; confidential employees;
2 independent contractors; and supervisors except as provided in
3 this Act.

4 Personal care attendants and personal assistants shall not
5 be considered public employees for any purposes not
6 specifically provided for in the amendatory Act of the 93rd
7 General Assembly, including but not limited to, purposes of
8 vicarious liability in tort and purposes of statutory
9 retirement or health insurance benefits. Personal care
10 attendants and personal assistants shall not be covered by the
11 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

12 Child and day care home providers shall not be considered
13 public employees for any purposes not specifically provided for
14 in this amendatory Act of the 94th General Assembly, including
15 but not limited to, purposes of vicarious liability in tort and
16 purposes of statutory retirement or health insurance benefits.
17 Child and day care home providers shall not be covered by the
18 State Employees Group Insurance Act of 1971.

19 Notwithstanding Section 9, subsection (c), or any other
20 provisions of this Act, all peace officers above the rank of
21 captain in municipalities with more than 1,000,000 inhabitants
22 shall be excluded from this Act.

23 (o) Except as otherwise in subsection (o-5), "public
24 employer" or "employer" means the State of Illinois; any
25 political subdivision of the State, unit of local government or
26 school district; authorities including departments, divisions,

1 bureaus, boards, commissions, or other agencies of the
2 foregoing entities; and any person acting within the scope of
3 his or her authority, express or implied, on behalf of those
4 entities in dealing with its employees. As of the effective
5 date of the amendatory Act of the 93rd General Assembly, but
6 not before, the State of Illinois shall be considered the
7 employer of the personal care attendants and personal
8 assistants working under the Home Services Program under
9 Section 3 of the Disabled Persons Rehabilitation Act, subject
10 to the limitations set forth in this Act and in the Disabled
11 Persons Rehabilitation Act. The State shall not be considered
12 to be the employer of personal care attendants and personal
13 assistants for any purposes not specifically provided for in
14 this amendatory Act of the 93rd General Assembly, including but
15 not limited to, purposes of vicarious liability in tort and
16 purposes of statutory retirement or health insurance benefits.
17 Personal care attendants and personal assistants shall not be
18 covered by the State Employees Group Insurance Act of 1971 (5
19 ILCS 375/). As of the effective date of this amendatory Act of
20 the 94th General Assembly but not before, the State of Illinois
21 shall be considered the employer of the day and child care home
22 providers participating in the child care assistance program
23 under Section 9A-11 of the Illinois Public Aid Code, subject to
24 the limitations set forth in this Act and in Section 9A-11 of
25 the Illinois Public Aid Code. The State shall not be considered
26 to be the employer of child and day care home providers for any

1 purposes not specifically provided for in this amendatory Act
2 of the 94th General Assembly, including but not limited to,
3 purposes of vicarious liability in tort and purposes of
4 statutory retirement or health insurance benefits. Child and
5 day care home providers shall not be covered by the State
6 Employees Group Insurance Act of 1971.

7 "Public employer" or "employer" as used in this Act,
8 however, does not mean and shall not include the General
9 Assembly of the State of Illinois, the Executive Ethics
10 Commission, the Offices of the Executive Inspectors General,
11 the Legislative Ethics Commission, the Office of the
12 Legislative Inspector General, the Office of the Auditor
13 General's Inspector General, and educational employers or
14 employers as defined in the Illinois Educational Labor
15 Relations Act, except with respect to a state university in its
16 employment of firefighters and peace officers and except with
17 respect to a school district in the employment of peace
18 officers in its own police department in existence on the
19 effective date of this amendatory Act of the 96th General
20 Assembly. County boards and county sheriffs shall be designated
21 as joint or co-employers of county peace officers appointed
22 under the authority of a county sheriff. Nothing in this
23 subsection (o) shall be construed to prevent the State Panel or
24 the Local Panel from determining that employers are joint or
25 co-employers.

26 (o-5) With respect to wages, fringe benefits, hours,

1 holidays, vacations, proficiency examinations, sick leave, and
2 other conditions of employment, the public employer of public
3 employees who are court reporters, as defined in the Court
4 Reporters Act, shall be determined as follows:

5 (1) For court reporters employed by the Cook County
6 Judicial Circuit, the chief judge of the Cook County
7 Circuit Court is the public employer and employer
8 representative.

9 (2) For court reporters employed by the 12th, 18th,
10 19th, and, on and after December 4, 2006, the 22nd judicial
11 circuits, a group consisting of the chief judges of those
12 circuits, acting jointly by majority vote, is the public
13 employer and employer representative.

14 (3) For court reporters employed by all other judicial
15 circuits, a group consisting of the chief judges of those
16 circuits, acting jointly by majority vote, is the public
17 employer and employer representative.

18 (p) "Security employee" means an employee who is
19 responsible for the supervision and control of inmates at
20 correctional facilities. The term also includes other
21 non-security employees in bargaining units having the majority
22 of employees being responsible for the supervision and control
23 of inmates at correctional facilities.

24 (q) "Short-term employee" means an employee who is employed
25 for less than 2 consecutive calendar quarters during a calendar
26 year and who does not have a reasonable assurance that he or

1 she will be rehired by the same employer for the same service
2 in a subsequent calendar year.

3 (r) "Supervisor" is an employee whose principal work is
4 substantially different from that of his or her subordinates
5 and who has authority, in the interest of the employer, to
6 hire, transfer, suspend, lay off, recall, promote, discharge,
7 direct, reward, or discipline employees, to adjust their
8 grievances, or to effectively recommend any of those actions,
9 if the exercise of that authority is not of a merely routine or
10 clerical nature, but requires the consistent use of independent
11 judgment. Except with respect to police employment, the term
12 "supervisor" includes only those individuals who devote a
13 preponderance of their employment time to exercising that
14 authority, State supervisors notwithstanding. In addition, in
15 determining supervisory status in police employment, rank
16 shall not be determinative. The Board shall consider, as
17 evidence of bargaining unit inclusion or exclusion, the common
18 law enforcement policies and relationships between police
19 officer ranks and certification under applicable civil service
20 law, ordinances, personnel codes, or Division 2.1 of Article 10
21 of the Illinois Municipal Code, but these factors shall not be
22 the sole or predominant factors considered by the Board in
23 determining police supervisory status.

24 Notwithstanding the provisions of the preceding paragraph,
25 in determining supervisory status in fire fighter employment,
26 no fire fighter shall be excluded as a supervisor who has

1 established representation rights under Section 9 of this Act.
2 Further, in new fire fighter units, employees shall consist of
3 fire fighters of the rank of company officer and below. If a
4 company officer otherwise qualifies as a supervisor under the
5 preceding paragraph, however, he or she shall not be included
6 in the fire fighter unit. If there is no rank between that of
7 chief and the highest company officer, the employer may
8 designate a position on each shift as a Shift Commander, and
9 the persons occupying those positions shall be supervisors. All
10 other ranks above that of company officer shall be supervisors.

11 (s) (1) "Unit" means a class of jobs or positions that are
12 held by employees whose collective interests may suitably be
13 represented by a labor organization for collective bargaining.
14 Except with respect to non-State fire fighters and paramedics
15 employed by fire departments and fire protection districts,
16 non-State peace officers, and peace officers in the Department
17 of State Police, a bargaining unit determined by the Board
18 shall not include both employees and supervisors, or
19 supervisors only, except as provided in paragraph (2) of this
20 subsection (s) and except for bargaining units in existence on
21 July 1, 1984 (the effective date of this Act). With respect to
22 non-State fire fighters and paramedics employed by fire
23 departments and fire protection districts, non-State peace
24 officers, and peace officers in the Department of State Police,
25 a bargaining unit determined by the Board shall not include
26 both supervisors and nonsupervisors, or supervisors only,

1 except as provided in paragraph (2) of this subsection (s) and
2 except for bargaining units in existence on January 1, 1986
3 (the effective date of this amendatory Act of 1985). A
4 bargaining unit determined by the Board to contain peace
5 officers shall contain no employees other than peace officers
6 unless otherwise agreed to by the employer and the labor
7 organization or labor organizations involved. Notwithstanding
8 any other provision of this Act, a bargaining unit, including a
9 historical bargaining unit, containing sworn peace officers of
10 the Department of Natural Resources (formerly designated the
11 Department of Conservation) shall contain no employees other
12 than such sworn peace officers upon the effective date of this
13 amendatory Act of 1990 or upon the expiration date of any
14 collective bargaining agreement in effect upon the effective
15 date of this amendatory Act of 1990 covering both such sworn
16 peace officers and other employees.

17 (2) Notwithstanding the exclusion of supervisors from
18 bargaining units as provided in paragraph (1) of this
19 subsection (s), a public employer may agree to permit its
20 supervisory employees to form bargaining units and may bargain
21 with those units. This Act shall apply if the public employer
22 chooses to bargain under this subsection.

23 (3) Public employees who are court reporters, as defined in
24 the Court Reporters Act, shall be divided into 3 units for
25 collective bargaining purposes. One unit shall be court
26 reporters employed by the Cook County Judicial Circuit; one

1 unit shall be court reporters employed by the 12th, 18th, 19th,
2 and, on and after December 4, 2006, the 22nd judicial circuits;
3 and one unit shall be court reporters employed by all other
4 judicial circuits.

5 (Source: P.A. 96-1257, eff. 7-23-10; 97-586, eff. 8-26-11.)

6 (5 ILCS 315/6.1)

7 Sec. 6.1. Gubernatorial designation of certain public
8 employment positions as excluded from collective bargaining.

9 (a) Notwithstanding any provision of this Act to the
10 contrary, except subsection (e) of this Section, the Governor
11 is authorized to designate up to 3,580 State employment
12 positions collectively within State agencies directly
13 responsible to the Governor, and, upon designation, those
14 positions and employees in those positions, if any, are hereby
15 excluded from the self-organization and collective bargaining
16 provisions of Section 6 of this Act. Only those employment
17 positions that have been certified in a bargaining unit on or
18 after December 2, 2008, that have a pending petition for
19 certification in a bargaining unit on the effective date of
20 this amendatory Act of the 97th General Assembly, or that
21 neither have been certified in a bargaining unit on or after
22 December 2, 2008 nor have a pending petition for certification
23 in a bargaining unit on the effective date of this amendatory
24 Act of the 97th General Assembly are eligible to be designated
25 by the Governor under this Section. The Governor may not

1 designate under this Section, however, more than 1,900
2 employment positions that have been certified in a bargaining
3 unit on or after December 2, 2008.

4 (b) In order to properly designate a State employment
5 position under this Section, the Governor shall provide in
6 writing to the Board: the job title and job duties of the
7 employment position; the name of the State employee currently
8 in the employment position, if any; the name of the State
9 agency employing the public employee; and the category under
10 which the position qualifies for designation under this
11 Section.

12 To qualify for designation under this Section, the
13 employment position must meet one or more of the following
14 requirements:

15 (1) it must authorize an employee in that position to
16 act as a legislative liaison;

17 (2) it must have a title of, or authorize a person who
18 holds that position to exercise substantially similar
19 duties as an, Agency General Counsel, Agency Chief of
20 Staff, Agency Executive Director, Agency Deputy Director,
21 Agency Chief Fiscal Officer, Agency Human Resources
22 Director, Senior Public Service Administrator, Public
23 Information Officer, or Chief Information Officer;

24 (3) it must be a Rutan-exempt, as designated by the
25 employer, position and completely exempt from jurisdiction
26 B of the Personnel Code;

1 (4) it must be a term appointed position pursuant to
2 Section 8b.18 or 8b.19 of the Personnel Code; or

3 (5) it must authorize an employee in that position to
4 have significant and independent discretionary authority
5 as an employee.

6 Within 60 days after the Governor makes a designation under
7 this Section, the Board shall determine, in a manner that is
8 consistent with the requirements of due process, whether the
9 designation comports with the requirements of this Section.

10 (c) For the purposes of this Section, a person has
11 significant and independent discretionary authority as an
12 employee if he or she (i) is engaged in executive and
13 management functions of a State agency and charged with the
14 effectuation of management policies and practices of a State
15 agency or represents management interests by taking or
16 recommending discretionary actions that effectively control or
17 implement the policy of a State agency or (ii) qualifies as a
18 supervisor of a State agency as that term is defined under
19 Section 152 of the National Labor Relations Act or any orders
20 of the National Labor Relations Board interpreting that
21 provision or decisions of courts reviewing decisions of the
22 National Labor Relations Board.

23 (d) The Governor must exercise the authority afforded under
24 this Section within 365 calendar days after the effective date
25 of this amendatory Act of the 97th General Assembly. Any
26 designation made by the Governor under this Section shall be

1 presumed to have been properly made.

2 If the Governor chooses not to designate a position under
3 this Section, then that decision does not preclude a State
4 agency from otherwise challenging the certification of that
5 position under this Act.

6 The qualifying categories set forth in paragraphs (1)
7 through (5) of subsection (b) of this Section are operative and
8 function solely within this Section and do not expand or
9 restrict the scope of any other provision contained in this
10 Act.

11 (e) The provisions of this Section do not apply to any
12 employee who is employed by a public employer and who is
13 classified as, or holds the employment title of, Civil Engineer
14 V, Civil Engineer VI, Civil Engineer VII, Technical Manager I,
15 Technical Manager II, Technical Manager III, Technical Manager
16 IV, Technical Manager V, Technical Manager VI, Realty
17 Specialist III, Realty Specialist IV, Realty Specialist V,
18 Technical Advisor I, Technical Advisor II, Technical Advisor
19 III, Technical Advisor IV, or Technical Advisor V.

20 (Source: 09700SB1556ham002.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.